

Original

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

In re Application of: )  
LIBERTY PRODUCTIONS, )  
A LIMITED PARTNERSHIP )  
(Assignor) )  
SAGA COMMUNICATIONS OF )  
NORTH CAROLINA, L.L.C. )  
(Assignee) )  
For Assignment of )  
License of )  
Station WOXL-FM )  
and )  
LIBERTY PRODUCTIONS, )  
A LIMITED PARTNERSHIP )  
For Construction Permit )  
for a New FM Station )  
For License to Cover )  
for Station WOXL-FM )  
Facility No. 37242 )  
Biltmore Forest, )  
North Carolina )  
To: The Secretary  
Attention: Chief, Media Bureau

✓ File No. BALH-20040116ACT

MM Docket No. 88-577

File No. BPH-870831MI

File No. BLH-20020220AAL

RECEIVED

JUN 22 2006

Federal Communications Commission  
Office of Secretary

MOTION TO STRIKE

Respectfully submitted,

WILLSYR COMMUNICATIONS, LIMITED PARTNERSHIP

Stephen T. Yelverton, Esq.  
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June 22, 2006

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### MOTION TO STRIKE

Willsyr Communications, Limited Partnership ("Willsyr"), by its counsel, pursuant to 47 CFR 1.52, submits this "Motion to Strike." On May 23, 2006, Liberty Productions, a Limited Partnership ("Liberty"), filed a "Reply to Comments on Oppositions to Section 1.41 Request." On that date, Saga Communications of North Carolina, LLC ("Saga") and Asheville Radio Partners, LLC ("ARP"), filed a "Joint Statement for the Record." Willsyr requests that certain portions of those pleadings be stricken from the record.

### Liberty's Pleading

Liberty, in its pleading, at p. 3, suggests without any support, that Willsyr's motive in challenging its grant is the "desire to extract greenmail." Pursuant to 47 CFR 1.52, it is requested that this spurious material be stricken as wholly unsupported and scandalous.

Willsyr states for the record that there has been one series of settlement discussions between Willsyr and Liberty. This was in or around February 2006. Therein, Willsyr proposed a resolution of this proceeding with no monetary consideration to be paid to it or any person or party, and which would allow a request to the Commission for a new auction to be conducted for the Biltmore Forest frequency. No demands were made on Liberty, or its principals, or attorneys, for any monetary payment to Willsyr, or its principals or attorneys.

In or around April 2005, ARP contacted Willsyr about a settlement. Willsyr's response was a discussion of the reimbursement of its expenses and informing ARP that it needed to include all aggrieved parties in a universal settlement with reimbursement of their expenses.

Willsyr further states for the record that its purpose in challenging the grant of Liberty's application is to attain a new auction for the Biltmore Forest frequency. The delay in this proceeding has resulted from Liberty failing to produce required documents and in attempting to cover up or rationalize its past wrongdoing.

#### Joint ARP/Saga Pleading

ARP and Saga, in their joint pleading, at n. 4, suggest that Willsyr violated 47 CFR 1.52 by accusing them of acting in concert with Liberty's general partner in state court to prevent David T. Murray from publicly disclosing damaging information about Liberty's wrongdoing (which would then be available to the Commission).

Pursuant to 47 CFR 1.52, Willsyr requests that this material be stricken as scandalous. Its allegations against ARP and Saga are fully supported by the record of the state court proceeding. Even though not parties to that proceeding, ARP and Saga are represented there by local counsel and have supported Liberty's general partner in keeping Murray from publicly telling what he knew about Liberty's wrongdoing.

In a letter of May 28, 2004, from counsel for Liberty's general partner, to counsel for Murray, it was stated that "[i]n sending these documents to you, I want to reiterate on behalf of my client, and also convey on behalf of counsel for Liberty Productions, Saga Communications, and Asheville Radio Partners that these documents and all information in them are to be held in the strictest confidence. We are all very troubled by the actions your client took in his filing with the FCC regarding documents that were produced earlier ..."

ARP and Saga should explain to the Commission why they needed to participate in the state court proceeding between the partners of Liberty, where the issue is whether Murray is still a limited partner, and why they needed to intervene on the side of Valerie Klemmer Watts, the general partner?

ARP and Saga should also explain to the Commission why they supported a protective order against Murray? The only apparent reason for their support of a protective order was to make certain that Murray was muzzled by Liberty and that he publicly said nothing that could jeopardize the Commission approval of the sale of Liberty's station from ARP to Saga.

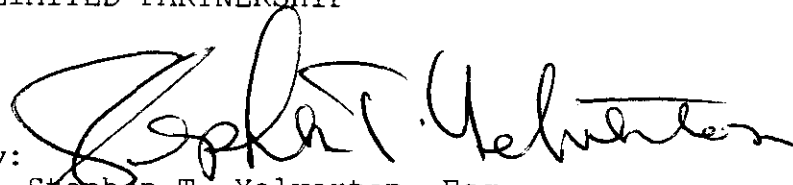
#### Conclusions

WHEREFORE, Willsyr requests that its motion to strike be granted.

Respectfully submitted,

WILLSYR COMMUNICATIONS,  
LIMITED PARTNERSHIP

By:

A handwritten signature in black ink, appearing to read "Stephen T. Yelverton". The signature is fluid and cursive, with a large initial "S" and a long horizontal stroke at the end.

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June 22, 2006

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May 28, 2004

Erin E. Burke, Esquire  
Womble Carlyle Sandridge & Rice, PLLC  
One Wachovia Center, Suite 300  
301 College Street  
Charlotte, NC 28202

RE: Murray v. Watts

Dear Erin:

Enclosed please find the documents that have been produced to my office by Painter, Russell & Associates, F. Foster Shriner, CPA, PA, Cumulus Broadcasting, Inc., Ashville [sic] Radio Partners, LLC, and Saga Communications. The documents from Dungan & Associates have not arrived early enough in the day for us to be able to process them today. We will get them out to you as quickly as we reasonably can.

All of the documents supplied herewith have been numbered and stamped to designate that they are deemed confidential pursuant to the terms of the Protective Order of Judge Hyatt, and also are covered by that Protective Order pursuant to the terms of Judge Winner's Order of earlier this week. In sending these documents to you I want to reiterate on behalf of my client, and also convey on behalf of counsel for Liberty Productions, Saga Communications and Ashville Radio Partners that these documents and all information contained in them are to be held in the strictest confidence. We are all very troubled by the actions that your client took in his filing with the FCC regarding documents that were produced earlier, and we were all disappointed that he did so through counsel from your firm. We understand that Mr. Murray takes the position that he was within his rights to do what he did. I am sure that you understand (even if he does not) that counsel for Liberty, Saga and ARP, as well as I, most strongly disagree with that assessment. If your client undertakes similar activities with regard to the documents that are produced herewith we would deem such actions to be a gross violation of the Orders of the Court. I also expect that Liberty, Saga and ARP would deem such actions to constitute intentional interference with contract and unfair trade practices, as well as other violations of the law. I do not speak for any of those entities on this issue, and if you have any questions I suggest that you discuss them with counsel for those parties. Mr. Murray must

Erin E. Burke, Esquire  
May 28, 2004  
Page Two

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understand that he is only a limited partner in Liberty and as such he does not have a "place at the table" regarding any of the dealings regarding Liberty, Saga and ARP. Moreover, he only has access to much of the documentation that you are being provided herewith because of the pending litigation and not because of his status as a limited partner. He has now obtained these documents through the discovery process, but with that comes the responsibility not to use the documents for any improper purpose. I sincerely hope that you can convince your client to maintain his conduct within the parameters of the law.

Also enclosed is a statement for the copying and shipping costs that we incurred in making these copies for you. Please remit the amounts shown within five days.

Very truly yours,

  
Martin Reidinger

MKR/s  
C: Ms. Valerie Klemmer Watts  
Sharon Tracey Barrett, Esquire  
Timothy K. Brady, Esquire  
Robert E. Dungan, Esquire

CERTIFICATE OF SERVICE

I, Stephen T. Yelverton, an attorney licensed to practice in the District of Columbia, do hereby certify that on this 22nd day of June, 2006, I have caused to be hand-delivered or mailed, U.S. Mail, first-class, postage prepaid, a copy of the foregoing "Motion to Strike" to the following:

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